

## **REMARKS / ARGUMENTS**

Applicants would like to thank the Examiner for the explanation of the restriction requirement. Applicants hereby elect, with traverse, the invention of Group I, Claims 1-30, drawn to an apparatus, classified in class 422, subclass 150+. Applicants further elect, with traverse, the invention of sub-group IA, claims 1-16, drawn to an apparatus, classified in class 422, subclass 150+.

The restriction requirement is submitted to be improper because the apparatus in invention IA is not obviously useful for practicing a different method or process. The Examiner notes that the apparatus in invention IA can be used for "spray coating or depositing an organic compound onto a substrate."

Applicants respectfully disagree. The apparatus in invention IA is not a spray nozzle assembly, but is a burner assembly. Indeed, it is a very specialized burner, which consists of two different injectors. One injector receives both fuel and oxidant, and is hence a more conventional type of flame-sustaining burner. The other injector receives only a fuel gas, specifically one that is a highly-carbon-laden gas. It is not obvious how such a highly specialized burner assembly could be used to deposit a "spray coating" or to deposit "an organic compound onto a substrate." A highly specialized burner assembly, such as the apparatus in invention IA, is explicitly designed to be used to generate a very rich combustion product, which exhibits poor combustion efficiency, poor heat release characteristics, and a highly particulate-laden exhaust gas. Such a burner assembly is primarily useful for the production of carbon black.

Additionally, the restriction requirement is submitted to be improper because the method in invention II can obviously not be practiced by hand or by a materially different apparatus. Any apparatus that will allow invention II to be practiced will require a head assembly with two injectors. The first injector must be adapted for injecting a highly-carbon-laden gas. The second injector must be

capable of injecting a fuel and oxidant mixture. This apparatus must have an ignition source. This apparatus must have a moveable head assembly. Any apparatus that is comprised of these features cannot be said to be materially different from the invention disclosed in invention IA.


As these inventions are related, and not independent, the serious burden imposed upon the Examiner is not inherent. As this is both an apparatus and a method specifically designed for the application of carbon black, the search required for both inventions IA and II can be made without serious burden.

In addition to making this argument, Applicants have also amended claims 17, 22, 29, and 30, in order to make them ultimately dependent upon independent claim 1. These amendments alter these formerly independent claims of inventions 1B, 1C, 1D, and 1E, to a form in which they consist simply of further limitations on the elements of claim 1; hence they are no longer patently distinct from invention 1A. Applicants have also amended claim 27 so that it positive recites a 'clamp block' as an element.

In view of the foregoing, Applicants respectfully request that the requirement be withdrawn upon reconsideration. Early and favorable consideration of the subject application is respectfully requested.

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at his earliest convenience.

Respectfully submitted,



Linda K. Russell, Reg. No. 34,918

Date: July 30, 2003  
Air Liquide  
2700 Post Oak Blvd., Suite 1800  
Houston, Texas 77056  
(713) 624-8956 Phone – (713) 624-8950 Fax

**CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)**

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this  
30<sup>th</sup> day of July, 2003.



---

Stacy Forte